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| 09/458,602 | 12/08/1999 | FLORENCE C.I. PAGAN | NOMDX.011A2 | 9056 |
| 20995 7590 03/14/2011 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614 | | | | |
| EXAMINER | | | | |
| DADA, BEEMNET W | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 2435 | | | | |
| NOTIFICATION DATE | | DELIVERY MODE | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

09/458,602

Applicant(s)

PAGAN ET AL.

Examiner

BEEMNET W. DADA

Art Unit

2435

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 37-68 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 37-68 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SG-06)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Applicant's election without traverse of Group II claims 37-49 in the reply filed on 01/10/2011 is acknowledged. Applicant has further added new claims 50-68. Claims 37-68 are pending.

Response to Arguments

Applicant's arguments filed on 06/25/2010 have been fully considered but they are not persuasive. Applicant argues that the combination of Doidge and Levergood would render Doidge unsuitable for its intended purpose. Applicant further argues that Doidge and Levergood alone or in combination fail tot each 'communicating a modified request to a redirection server' ..' responding at the redirection server, to the modified request with a browser redirect message that reassigns the modified request ot an administrator-specified, redirected destination address,' ... receiving at the gateway device the browser redirect message and modifying it with the stored original destination address' and 'sending the modified browser redirect message to the computer which automatically redirects the computer to the redirected destination address'. Examiner disagrees.

Examiner would point out that, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). Examiner would further point out that, both Doidge and Levergood are directed to network communications and access control and therefore are suitable for combination and the combined teaching of the references teaches/suggests the claimed invention. Examiner would

further point out that, Levergood teaches an access control system, including, if it is determined that the portable communication device is not entitled to access a destination address [column 5, line 65-column 6, line 4]: storing the network address request, modifying, at the gateway device, the network address request and communicating the modified request to a redirection server [column 5, line 65-column 6, line 4 and column 6, lines 24-66], responding, at the redirection server, to the modified request with a browser redirect message that reassigns the modified request to a predetermined redirected network address [column 5, line 65-column 6, line 4 and column 6, lines 24-66], receiving, at the gateway device, the browser redirect message and modifying it with the stored original destination address [column 5, line 65-column 6, line 4 and column 6, lines 24-66] and sending the modified browser redirect message to the computer, the modified browser message being configured to redirect the computer to the redirected network address [column 5, line 65-column 6, line 4 and column 6, lines 24-66], as indicated in the rejection below. Examiner would further point out that the art on record teaches the claimed limitations and therefore the rejection is respectfully maintained.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 37-39, 40, 43-56, 59, 61-63, 65 and 67-68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doidge in view of Levergood et al. US 5,708,780 [hereinafter Levergood].

As per claims 37-39, 40, 43-49, 52 and 55, Doidge teaches a method for authorizing a portable communication device to access a destination network, wherein the portable communication device has access to a home network through home network settings that are incompatible with the destination network, and wherein the portable communication device can access the destination network without altering the home network settings, comprising:

receiving at a gateway device a network service request from a portable communication device, the network service request including an indication of a network address to be accessed, the network address residing on a destination network [column 6, lines 1-5];

determining if the portable communication device is entitled to access the destination address based upon information contained in the destination address request received by the gateway device, wherein the portable communication device remains configured for accessing the home network through home network settings that are incompatible with the destination network, and wherein no additional configuration software need be installed on the portable communication device to access the destination network and any other network [column 6, lines 1-14].

In the same field of endeavor, Levergood teaches an access control system, including, if it is determined that the portable communication device is not entitled to access a destination address [column 5, line 65-column 6, line 4]:

storing the network address request, modifying, at the gateway device, the network address request and communicating the modified request to a redirection server [column 5, line 65-column 6, line 4 and column 6, lines 24-66];

responding, at the redirection server, to the modified request with a browser redirect message that reassigns the modified request to a predetermined redirected network address [column 5, line 65-column 6, line 4 and column 6, lines 24-66];

receiving, at the gateway device, the browser redirect message and modifying it with the stored original destination address [column 5, line 65-column 6, line 4 and column 6, lines 24-66]; and

sending the modified browser redirect message to the computer, the modified browser message being configured to redirect the computer to the redirected network address [column 5, line 65-column 6, line 4 and column 6, lines 24-66]. It would have been obvious to one having ordinary skill in the art at the time of applicant's invention to employ the teachings of Levergood within the system of Doidge in order to enhance the security of the system.

As per claims 56, 59, 62, 63, 65 and 68, Doidge teaches a method for authorizing a portable communication device to access a destination network, wherein the portable communication device has access to a home network through home network settings that are incompatible with the destination network, and wherein the portable communication device can access the destination network without altering the home network settings, comprising:

receiving at a gateway device a network service request from a portable communication device, the network service request including an indication of a network address to be accessed, the network address residing on a destination network [column 6, lines 1-5];

determining if the portable communication device is entitled to access the destination address based upon information contained in the destination address request received by the gateway device, wherein the portable communication device remains configured for accessing the home network through home network settings that are incompatible with the destination network, and wherein no additional configuration software need be installed on the portable communication device to access the destination network and any other network [column 6, lines 1-14].

In the same field of endeavor, Levergood teaches an access control system, including, if it is determined that the portable communication device is not entitled to access a destination address [column 5, line 65-column 6, line 4]:

storing the network address request, modifying, at the gateway device, the network address request and communicating the modified request to a redirection server [column 5, line 65-column 6, line 4 and column 6, lines 24-66];

responding, at the redirection server, to the modified request with a browser redirect message that reassigns the modified request to a predetermined redirected network address [column 5, line 65-column 6, line 4 and column 6, lines 24-66];

receiving, at the gateway device, the browser redirect message and modifying it with the stored original destination address [column 5, line 65-column 6, line 4 and column 6, lines 24-66]; and

sending the modified browser redirect message to the computer, the modified browser message being configured to redirect the computer to the redirected network address [column 5, line 65-column 6, line 4 and column 6, lines 24-66]. Whereby the portable communication device is enabled by being redirected to the authentication system to submit authentication-related information so that the portable communication system may be authorized to access the

requested network resource [column 5, line 65-column 6, line 4 and column 6, lines 24-66]. It would have been obvious to one having ordinary skill in the art at the time of applicant's invention to employ the teachings of Levergood within the system of Doidge in order to enhance the security of the system.

As per claims 50, 51, 53, 54, 61 and 67, Doidge further teaches the system wherein the information contained in the network service request comprises a MAC address / is indicative of location of the portable communication device wherein the determining if the portable communication device is entitled to access the network address is based upon comparing the MAC address to a database of authorized MAC addresses / the indicated location of the portable communication device [column 5, lines 54-column 6, lines 6].

Claims 41, 42, 57, 58, 60 64 and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doidge in view of Levergood et al. US 5,708,780 [hereinafter Levergood] and further in view of Zhang et al. US 6,253,327 B1 [hereinafter Zhang].

As per claims 41, 42, 64, 66 and , the combination of Doidge and Levergood teaches the system as indicated above. Furthermore, Zhang teaches a system including an Authentication, Authorization and Accounting (AAA) server in communication with a gateway device and user profile database, the AAA server determines if the portable communication device is entitled to access the original destination address requests based upon the user-access information stored within the user profile database [column 7, lines 7-25]. It would have been obvious to one having ordinary skill in the art at the time of applicant's invention to employ the teachings of

Zhang within the system of Doidge and Levergood in order to enhance the security of the system.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BEEMNET W. DADA whose telephone number is (571)272-3847. The examiner can normally be reached on Monday - Friday (9:00 am - 5:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Beemnet W Dada/
Primary Examiner, Art Unit 2435
March 9, 2011